

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

3868-0109P

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**NEW**

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/EP00/07904

August 14, 2000

August 27, 1999

**TITLE OF INVENTION**

PHARMACEUTICAL PREPARATION CONTAINING NANOSOL

**APPLICANT(S) FOR DO/EO/US**

HOFFMANN, Hans-Rainer; ASMUSSEN, Bodo

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau. WO 01/15669
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is transmitted herewith.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449(s), and International Search Report (PCT/ISA/210) with 3 cited document(s).
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - 1.) PCT Substitute Claims Letter w/ PCT/IPEA/416, PCT/IPEA/409, amended claims and translation thereof
  - 2.) Zero (0) sheets of Formal Drawings

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="text-align: center; font-weight: bold;">NEW</div>		INTERNATIONAL APPLICATION NO <div style="text-align: center;">PCT/EP00/07904</div>		ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">3868-0109P</div>	
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21. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5):**  
 Neither international preliminary examination fee (37 CFR 1.482)  
 nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
 and International Search Report not prepared by the EPO or JPO. .... **\$1,040.00**

International preliminary examination fee (37 CFR 1.482) not paid to  
 USPTO but International Search Report prepared by the EPO or JPO ..... **\$890.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
 but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. .... **\$740.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
 but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$710.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
 and all claims satisfied provisions of PCT Article 33(1)-(4). .... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	14 - 20 =	0	X \$18.00	\$ 0
Independent Claims	1 - 3 =	0	X \$84.00	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			None	+ \$280.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 890.00</b>

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are  
 reduced by 1/2.

**SUBTOTAL = \$ 890.00**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE = \$ 890.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
 accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED = \$ 930.00**

	Amount to be:	\$
	refunded	
	charged	\$

CALCULATIONS

PTO USE ONLY

a. ☒ A check in the amount of \$ 930.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account. No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 02-2448.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:  
**Birch, Stewart, Kolasch & Birch, LLP** or Customer No. 2292  
 P.O. Box 747  
 Falls Church, VA 22040-0747  
 (703) 205-8000

**Date:** February 26, 2002

By James M. Slattery  
 James M. Slattery, #28,380

/cqc

PATENT  
3868-0109P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: HOFFMANN, Hans-Rainer et al. Conf.:  
Appl. No.: New Group:  
Filed: February 26, 2002 Examiner:  
For: PHARMACEUTICAL PREPARATION CONTAINING  
NANOSOL

LETTER

Assistant Commissioner for Patents  
Washington, DC 20231

February 26, 2002

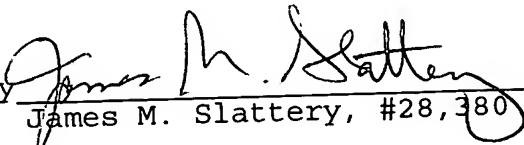
Sir:

The PTO is requested to use the amended sheets/claims attached hereto (which correspond to Article 19 amendments or to claims attached to the International Preliminary Examination Report (Article 34)) during prosecution of the above-identified national phase PCT application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James M. Slattery, #28,380

JMS/cqc  
3868-0109P

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Attachments